

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TERRY RUDD, on behalf of  
himself and others similarly situated,

Plaintiffs,

VS.

VORTEX DEBT GROUP, INC.,

Defendant.

No. 4:10CV01986 AGF

## MEMORANDUM AND ORDER

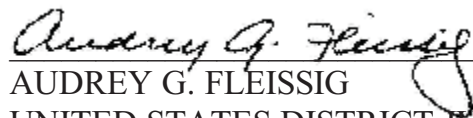
This diversity matter is before the Court upon review of the record. On October 21, 2010, Plaintiff filed this action in this Court as a class action under Federal Rule of Civil Procedure 23, asserting claims of breach of fiduciary duty, the unauthorized practice of law, and violation of the Missouri Merchandising Practices Act, all based upon Defendant's conduct in negotiating consumer debt settlements. The putative class consisted of "[e]very consumer domiciled in Missouri who was solicited by and did business with [Defendant] for the two years prior to the filing of this Complaint wherein [certain circumstances existed]."

On May 25, 2012, Plaintiff filed a “Memorandum” informing the court that he would not be moving for class certification and would proceed with the matter solely on an individual basis. The Eighth Circuit Court of Appeals had held, however, that the voluntary dismissal by a plaintiff of class allegations, even prior to certification of the class, requires Court approval, because said dismissal might prejudice the interest of the potential members of the class. *See Crawford v. Hoffman-La Roche Ltd.*, 267 F.3d 760, 764-65 (8th Cir. 2001); *see also Doe v.*

*Lexington-Fayette Urban Cnty Gov't.*, 407 F.3d 755, 762-63 (6th Cir. 2005); *Glidden v. Chromalloy Am. Corp.*, 808 F.2d 621, 625-28 (7th Cir. 1986).

Accordingly,

**IT IS HEREBY ORDERED** that on or before June 22, 2012, Plaintiff shall file a proper motion for leave of Court to dismiss the class allegations in this lawsuit, that addresses the issues that must be considered by the Court.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 14th day of June, 2012